

DAVID SLOAN,)
)
Plaintiff,)
)
VS.) No. 12-2515-JDT
)
BOARD OF EDUCATION,)
et al.,)
)
Defendants.)

On November 6, 2013, Magistrate Judge Charmiane G. Claxton issued a report and recommendation on Defendant Board of Education of Memphis City Schools' motion to dismiss and/or for summary judgment [DE# 20]. Magistrate Judge Claxton recommended that the motion be granted as to Plaintiff's Title VII retaliation claim and denied as to Plaintiff's Title VII discrimination claim. Magistrate Judge Claxton also recommended that Plaintiff be allowed to amend his June 29, 2012, complaint to plead that the doctrine of equitable tolling should permit the late filing of his Title VII discrimination claim due to the allegedly deficient performance of his attorney. No objections to the report and recommendation have been filed. Therefore, Magistrate Judge Claxton's report and recommendation [DE# 25] is ADOPTED in its entirety.

The Board of Education of the Memphis City School's motion to dismiss [DE# 20] is GRANTED as to Plaintiff's Title VII retaliation claim and DENIED as to Plaintiff's Title VII discrimination claim.

Plaintiff will have thirty (30) days from the entry of this order in which to file an amended complaint so that the court may properly consider whether the doctrine of equitable tolling applies to Plaintiff's Title VII discrimination claim.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE